



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Werner BERENS et al.

Confirmation No. 9283

Serial No. : 10/820,869

Group Art Unit: 1751

Filed : April 09, 2004

Examiner: unknown

For : USE OF ONE OR SEVERAL SUBSTANCES SELECTED FROM THE  
GROUP OF PYRIMIDINES AND PURINES IN COSMETIC  
PREPARATIONS FOR COLOURING HAIR

**INFORMATION DISCLOSURE STATEMENT**

Commissioner For Patents  
PO Box 1450,  
Alexandria, Virginia 23313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents cited in the International Search Report for International Application PCT/EP02/11158 of which the above-referenced application is a continuation:

- (1) EP 0 829 260 A1, March 18, 1998;
- (2) U.S. Patent No. 6,380,263 B1 (PRUCHE et al.), April 30, 2002; Applicants note that this document is a family member of document (1);
- (3) U.S. Patent Application Publication No. 2002/0103216 A1 (PRUCHE et al.), August 1, 2002; Applicants note that this document is a family member of document (1);
- (4) WO 99/66897 A1, December 29, 1999;
- (5) U.S. Patent No. 6,399,046 B1 (SCHÖNROCK et al.), June 4, 2002; Applicants note that this document is a family member of document (4);

(6) U.S. Patent No. 5,470,579 (BONTE et al.), November 28, 1995.

Applicants further direct the Examiner's attention to the following additional documents cited in the German Search Report for German Patent Application 101 50 445.4 of which the above-referenced application claims priority:

(7) U.S. Patent No. 5,998,423 (MANNETH et al.), December 7, 1999; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claim 1, figures 1 and 2;

(8) WO 93/10804 A1, June 10, 1993; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passage of this document is indicated as relevant: Claim 6;

(9) U.S. Patent No. 5,514,374 (BONTE et al.), May 7, 1996; Applicants note that this document is a family member of document (8);

(10) WO 91/07945 A1, June 13, 1991; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passage of this document is indicated as relevant: Claim 1; Applicants further note that this document is a family member of document (6);

(11) Eller M.S., Yaar M., Gilchrest B.A., "DNA damage and melanogenesis", Nature, December 1, 1994, Vol. 372, pp. 413-414; this document is categorized in the German Search Report as Y document, i.e., casting doubt on non-obviousness in combination with other documents.

Further, Applicants direct the Examiner's attention to the following document:

(12) Dermatology series, published by C. Calnan and H. Maibach, Marcel Dekker Inc., New York, Basel, 1985, Vol. 7, Zviak C, "The Science of Hair Care", Ch. 7, pp. 244-259 and Ch. 8, pp. 263-268; Applicants note that these passages are cited and discussed on page 5, first paragraph of the present application.

Furthermore, Applicants direct the Examiner's attention to the following U.S. Patent Application, which was filed on the same day as the above-referenced application:

(13) Serial No. 10/820,874 having the title "**USE OF ONE OR SEVERAL SUBSTANCES SELECTED FROM THE GROUP OF PYRIMIDINES AND PURINES IN COSMETIC PREPARATIONS FOR TANNING THE SKIN**" (Applicants: Werner BERENS et al.).

Copies of the above-listed documents (with the exception of U.S. patents and published U.S. Patent Applications) and of the German Search Report for German Patent Application 101 50 445.4 and the International Search Report (in English) for International Application PCT/EP02/11158 are enclosed together with a completed copy of the PTO-1449 Form listing these documents. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the PTO-1449 Form with the next official communication.

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. § 1.98 (a)(2)(I), copies of the U.S. Patents and published U.S. Patent Applications cited above are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicants note that an Office Action on the merits has not yet issued in the instant application, and thus, no fee is necessary to ensure consideration of this statement. However, if an Office Action has issued and is crossing in the mail with this statement, the Commissioner is hereby authorized to charge Deposit Account No. 19-0089 any fee necessary to ensure consideration of the submitted materials.

If there should be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Werner BERENS et al.

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September 20, 2004  
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FORM PTO-1449

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(Use several sheets if necessary)OCT 06 2004  
52Applicant  
Werner BERENS et al.Filing Date  
April 09, 2004Group  
1751

## U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | TRADEMARK OFFICE | DOCUMENT NUMBER |   |   |   |   |   | DATE     | NAME             | CLASS         | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|------------------|-----------------|---|---|---|---|---|----------|------------------|---------------|----------|----------------------------|
|                  |                  | 6               | 3 | 8 | 0 | 2 | 6 | 3        | 04/30/02         | PRUCHE et al. |          |                            |
| 2002/            | 0                | 1               | 0 | 3 | 2 | 1 | 6 | 08/01/02 | PRUCHE et al.    |               |          |                            |
|                  | 6                | 3               | 9 | 9 | 0 | 4 | 6 | 06/04/02 | SCHÖNROCK et al. |               |          |                            |
|                  | 5                | 4               | 7 | 0 | 5 | 7 | 9 | 11/28/95 | BONTE et al.     |               |          |                            |
|                  | 5                | 9               | 9 | 8 | 4 | 2 | 3 | 12/07/99 | MANNETH et al.   |               |          |                            |
|                  | 5                | 5               | 1 | 4 | 3 | 7 | 4 | 05/07/96 | BONTE et al.     |               |          |                            |
|                  |                  |                 |   |   |   |   |   |          |                  |               |          |                            |

## FOREIGN PATENT DOCUMENTS

|  |   | DOCUMENT NUMBER |   |   |   |   |   | DATE | COUNTRY  | CLASS   | SUBCLASS | TRANSLATION YES NO |
|--|---|-----------------|---|---|---|---|---|------|----------|---------|----------|--------------------|
|  |   | 0               | 8 | 2 | 9 | 2 | 6 | 0    | 03/18/98 | E.P.O   |          |                    |
|  | 9 | 9               | / | 6 | 6 | 8 | 9 | 7    | 12/29/99 | W.I.P.O |          |                    |
|  | 9 | 3               | / | 1 | 0 | 8 | 0 | 4    | 06/10/93 | W.I.P.O |          |                    |
|  | 9 | 1               | / | 0 | 7 | 9 | 4 | 5    | 06/13/91 | W.I.P.O |          |                    |
|  |   |                 |   |   |   |   |   |      |          |         |          |                    |
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|  |   |                 |   |   |   |   |   |      |          |         |          |                    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |   |   |
|--|---|---|
|  | 1 | Eller M.S., Yaar M., Gilchrest B.A., "DNA damage and melanogenesis", Nature, December 1, 1994, Vol. 372, pp. 413-414.   |
|  | 2 | Dermatology series, published by C. Calnan and H. Maibach, Marcel Dekker Inc., New York, Basel, 1985, Vol. 7, Zviak C, "The Science of Hair Care", Ch. 7, pp. 244-259 and Ch. 8, pp. 263-268. |
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EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.